

**IN THE UNITED DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

**MARY BILLINGSLEY, FANNIE)
THRASH, on behalf of themselves)
and all others similarly situated,)**

Plaintiffs,)

vs.)

**CIVIL ACTION NUMBER:
4:12-cv-00627-KOB**

CITI TRENDS, INC.,)

Defendant.)

**PLAINTIFFS' RESPONSE TO DEFENDANT'S MOTION TO STAY
PENDING APPEAL OF THE COURT'S ORDER DENYING
DEFENDANT'S MOTION TO COMPEL ARBITRATION**

Plaintiffs submit the following response to defendant's Motion to Stay Pending Appeal.

1. As discussed with the Court during the May 20th Scheduling Conference, Plaintiffs do not oppose the entry of a stay that takes effect after notice is sent out to the putative class and after the period for putative class members to join the case has expired.
2. Defendant has now filed a Notice of Appeal of the Court's Order denying the Motion to Compel Arbitration and moved for a stay pending this appeal. However, while parts of Defendant's motion appear to seek

a stay only after the notice and joinder periods have ended, other parts of the motion indicate that Citi Trends is seeking a stay of the entire case, including the notice period. *Compare* Doc. 80 pp. 2, n.1. & p. 10 *with* Doc. 80 pp. 1 & 8.

3. Plaintiffs oppose any stay which would delay the sending of notice to the putative class and would prevent any putative class member from joining the case as set out in the parties Joint Plan to Facilitate Notice. *See* Doc. 73. Plaintiffs do not oppose a stay pending appeal after the notice and joinder process is completed.

Respectfully submitted,

/s/Kevin W. Jent

Rocco Calamusa, Jr.

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CERTIFICATE OF SERVICE

I do hereby certify that I have filed today, June 4, 2013, by CM/ECF, the Court's e-filing system, the above and foregoing, which will send a copy to the following:

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